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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,329

12/11/2003

Jay A. Lenker

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7590

04/28/2006

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EXAMINER

LEE, KEVIN L

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,329	<b>Applicant(s)</b> LENKER ET AL.	
	<b>Examiner</b> KEVIN L. LEE	<b>Art Unit</b> 3753	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>December 11, 2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

In claim 19, line 3, "fixtures of appliances" is believed to have been meant to be recited as "fixtures or appliances."

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler et al (U.S. Patent No. 5, 409,037). The patent to Wheeler et al discloses an apparatus for detecting and stopping leaks in a liquid line, the apparatus comprising a liquid shutoff valve (42), an activation mechanism (14) for the valve, a logic controller (86, 100), and an acoustic transducer (12). The logic controller (100) includes a software program to analyze the output of the acoustic transducer and close the shutoff valve when conditions of a leak are detected, col. 6, line 41 thru col. 7, line 8. The apparatus includes an alarm (67) and LED display (50), col. 3, lines 46-58 and a manual override, col. 7, lines 19-22. The logic controller and software are readable as being inherently capable of discriminating between more than one acoustic signals and controlling the water shutoff valve based on inappropriate continuation of any of the plurality of signals being monitored.

Claims 1, 2, 4-10, 12-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Philippbar et al (U.S. Pub. No. 2001/0003286). The patent reference of Philippbar et al discloses an apparatus for detecting and stopping leaks in a liquid line, the apparatus comprising a shutoff valve (118), an activation mechanism (107), a logic controller (114, 116) and an acoustic transducer (112). The logic controller (116) includes software which can monitor and discriminate between a plurality of acoustic signals and controlling the water shutoff valve based on inappropriate continuation of any of the plurality of signals being monitored, paragraphs [0048] thru [0050]. The apparatus includes a display (126) to indicate the current system conditions or other useful information, paragraph [0037]. The acoustic signal is taken at the flood control device or at another location, paragraph [0048].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Philippbar et al or Wheeler et al in view of Thompson (U.S. Patent No. 5,411,070). The controllers of either Philippbar et al or Wheeler et al lack having additional inputs from remote fixtures or appliances that authorize water flow through

those remote fixtures or appliances. The patent to Thompson teaches the above exception in providing a controller (100) controlling a main shutoff valve (50) which will automatically shutdown due to a leak in the line, col. 6, lines 19-24. The controller (100) includes additional inputs from sensors at remote fixtures or appliances which authorize fluid flow through the fixtures or appliances, col. 7, line 33 thru col. 8, line 54. In view of the teaching of Thompson, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of either Philipbar et al or Wheeler et al to include sensors at remote fixtures in communication with the controller so that a leak or breakage at the remotely located fixtures or appliances will result in the main water shutoff valve being closed to prevent further leakage at the fixture or appliance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L. LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC KEASEL can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

APRIL 19, 2006

  
Kevin Lee  
Primary Examiner